

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DANIEL TORRES,

Petitioner,

vs.

JAMES D. HARTLEY, Warden,

Respondent.

CASE NO. CV 12-5703 CAS (RZ)

ORDER SUMMARILY DISMISSING
PAROLE HABEAS ACTION
PURSUANT TO *SWARTHOUT* v.
COOKE

Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts provides in part that “[i]f it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief in the district court, the judge shall make an order for its summary dismissal and cause the petitioner to be notified.” Because Petitioner’s challenge to his recent denial of parole plainly lacks merit, the Court will dismiss the action summarily.

I.

INTRODUCTION

Petitioner Daniel Torres is serving a lengthy prison sentence following his 1987 murder conviction. In December of 2010, the Board of Parole Hearings denied

1 Petitioner parole. *See* hearing transcript (Ex. A to Pet.) Petitioner has exhausted a state
2 habeas challenge to the denial. He now seeks habeas relief from this Court.

3 He asserts that the Board improperly considered the evidence in issuing its
4 denial. A recent Supreme Court ruling plainly forecloses relief on such parole claims.

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6 **II.**
7 **FEDERAL DUE PROCESS CONCERNS**
8 **ARE VERY LIMITED IN PAROLE CASES**

9 The Supreme Court recently decided *Swarthout v. Cooke*, 562 U.S. ___, 131
10 S. Ct. 859, 178 L. Ed. 2d 732 (2011) (*Cooke*). *Cooke* reversed two rulings by the Ninth
11 Circuit granting habeas relief based on a lack of “some evidence” of the inmates’ current
12 dangerousness. *Cooke* said that such a “some evidence” requirement is a state, not federal,
13 requirement and held that “the responsibility for assuring that the constitutionally adequate
14 procedures governing California’s parole system are properly applied rests with California
15 courts, and is no part of the Ninth Circuit’s business.” The federal habeas court’s inquiry
16 – in cases, such as this one, in which a prisoner seeks habeas relief based on an alleged
17 violation of the federal Due Process Clause – is limited to determining whether the prisoner
18 “was allowed an opportunity to be heard and was provided a statement of the reasons why
19 parole was denied.” *Id.*, citing *Greenholtz v. Inmates of Neb. Penal and Correctional*
20 *Complex*, 442 U.S. 1, 16, 99 S. Ct. 2100, 60 L. Ed. 2d 668 (1979).

21 Here, Petitioner was present at his parole hearing, was given an opportunity
22 to be heard, and was provided a statement of reasons for the denial of parole. *See*
23 *generally* Ex. A to Pet. (transcript). Petitioner sharply disagrees with those reasons, but
24 “[t]he Constitution does not require more.” *Greenholtz*, 442 U.S. at 16. In light of *Cooke*,
25 Petitioner presents no cognizable claim for relief based on federal law.

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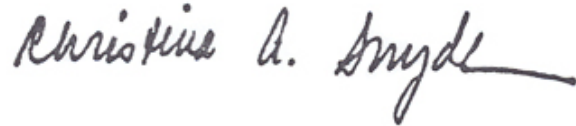
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III.

CONCLUSION

For the foregoing reasons, the Court DISMISSES the action with prejudice.

DATED: July 11, 2012

A handwritten signature in dark ink, reading "Christina A. Snyder". The signature is written in a cursive, flowing style. The first name "Christina" is written in a larger, more prominent script, followed by "A." and "Snyder". The signature ends with a long, horizontal flourish.

CHRISTINA A. SNYDER
UNITED STATES DISTRICT JUDGE